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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,945	09/08/2006	Hiroshi Fujisawa	1752-0187PUS1	8000
2292 7590 12/03/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER IEVA, NICHOLAS				
ART UNIT 2836		PAPER NUMBER		
NOTIFICATION DATE 12/03/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/591,945

Applicant(s)

FUJISAWA ET AL.

Examiner

NICHOLAS IEVA

Art Unit

2836

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 November 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 09/10/2008
13. ☐ Other: _____.

/Stephen W Jackson/
Primary Examiner, Art Unit 2836

Continuation of 3. NOTE: The newly added claims 26 and 28 comprises a limitation that raises new issues. The limitation "the first electrode and second electrode and being applied voltages that are different in polarity or one electrode being grounded while the other one is set to a positive electrode or a negative electrode" of claim 26 would require further consideration and/or search. The limitation "wherein said bipolar electrostatic chuck is capable of attracting an insulating substrate" of claim 28 would require further consideration and/or search. Furthermore, claim 27 raises new issues because if claim 1 should be found allowable, claim 27 would be objected to under 37 CFR 1.75 as being a substantial duplicate thereof (when two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k)).

Continuation of 11, does NOT place the application in condition for allowance because: The newly added claims 26, 27 and 28 raise new issues, which would require further consideration and/or search. Furthermore, the Examiner respectfully disagrees with the Applicant that the combination of Shamoullian and Benjamin does not teach a bipolar electrostatic chuck which has a first electrode and a second electrode in an interior of an insulating material, generates at least an attracting performance by a gradient force, and attracts a sample by allowing a surface of the insulating material to function as a sample attracting plane, characterized in that: the insulating material is formed by laminating an upper insulating layer, the first electrode, an interelectrode insulating layer, the second electrode, and a lower insulating layer in the order of distance from the sample attracting plane in a depth direction of the insulating material; and when the sample attracting plane is viewed in a depth direction, the second electrode has an area that is not overlapped with the first electrode, a plurality of first electrodes and a plurality of second electrodes being alternately arranged in a direction in which the area that is not overlapped is crossed a plurality of times.

Shamoullian et al. discloses a bipolar electrostatic chuck which has a first electrode 24 and a second electrode 22 in an interior of an insulating material 26, said first electrode connected to a first voltage source 48 and said second electrode connected to a second voltage source 46 generates at least an attracting performance by a gradient force, and is capable of attracting a sample by allowing a surface of the insulating material to function as a sample attracting plane, characterized in that: the insulating material 26 comprises an upper insulating layer 26c, the first electrode 24, an inter-electrode insulating layer 26b, the second electrode 22, and a lower insulating layer 26a which are by laminated in the order of distance from the sample attracting plane; and when the insulating material is viewed from a side cross-sectional view, the first electrode has a plurality of gaps, and the second electrode has a plurality of areas that are not overlapped with the first electrode (Shamoullian; figures 1 and 2b; column 2, line 54 - column 3, line 47; column 4, lines 34-62; column 3, line 56 - column 4, line 20; column 5, lines 60-67).

Benjamin et al. teaches a first electrode 44 and a second electrode 42, said first electrode and said second electrode are applied voltages that are different from each other (bipolar implementation), generates at least an attracting performance by a gradient force, and is capable of attracting a sample by allowing a surface of the insulating material to function as a sample attracting plane, characterized in that: the insulating material 36 comprises an upper insulating layer 40, the first electrode 44, an inter-electrode insulating layer (the insulating layer between said first and second electrode), and the second electrode 42, which are laminated in the order of distance from the sample attracting plane.

Furthermore, the bipolar arrangement of Shamoullian's first or second electrode would generate at least an attracting performance by a gradient force, and would attract a sample by allowing a surface of the insulating material to function as a sample attracting plane, and the bipolar arrangement of Benjamin's first and second electrodes would also generate at least an attracting performance by a gradient force and would attract a sample by allowing a surface of the insulating material to function as a sample attracting plane. The Applicant admits on page 14 of his arguments filed on 07 March 2008 that a bipolar arrangement of the electrodes would produce a gradient force. The strength of the gradient force is not claimed, what matters is that the combination of Shamoullian and Benjamin does indeed meet the claimed limitations. The strength of the gradient force will be controlled by a number of factors which include the voltage applied to the first and second electrodes, the distance between the first and second electrodes, the size and shape of the electrodes, and the position/placement of the first and second electrodes.